IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1940 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AKHILBHARAT PARYAVARAN SURAKSHA PARISHAD EDUCATION TRUST

Versus

GUJARAT SECONDARY EDUCATION BOARD

Appearance:

MR RR VAKIL for Petitioners

Ms Monali Bhatt for MR AD OZA for Respondent No. 1

Mr KP Raval, Ld. AGP for Respondent No.2 and 3

NOTICE SERVED BY DS for Respondent No. 2, 3

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 22/03/2001

ORAL JUDGEMENT

I have heard Mr.R.R.Vakil, learned Counsel appearing on behalf of the petitioners. I have also heard Mr.K.P.Raval, learned AGP appearing on behalf of the respondents No.2 and 3 and also Ms.Monali Bhatt, learned Counsel for Mr.A.D. Oza, learned Counsel appearing on behalf of the respondent No.1.

The present application has been filed by the petitioners, Saraswati Madhyamik Kanya Vidyalaya run by Akhilbharat Paryavaran Suraksha Parishad Education Trust and Another for allowing 26 students to appear in Class-10 examination. It is an admitted fact that the petitioner Trust has not been recognised by the Education Department or by the Education Board for opening Classes 9 and 10. Therefore, there may not be any question of permitting these students to appear in the Class-10 examination, which is scheduled to commence on 3-4-2001. The learned Counsel for the petitioners, however, submits that since these 26 students have completed the Class-10 courses, their academic careeer will be ruined, if they are not allowed to appear in Class-10 examination. It is, therefore, submitted by the learned Counsel for the petitioners that the respondent Board may consider as to whether these 26 students can fill up their forms from an Institution, which has got index number and recognised by the respondent Board. This Court cannot issue any direction. However, it is for the Board to consider as to whether such an arrangement can be made for these 26 students, so as to enable them to appear in the Class-10 examination. Therefore, the Board may consider as to whether these 26 students can be permitted to appear from any other recognised school, which has index number. The petitioners may approach the Board in this regard.

With the aforesaid observations, the petition is disposed of. Notice is discharged. No order as to costs.

22-3-2001 (P.K.Sarkar, J.)

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